

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANTHONY C. DUNLAP, SR.,

Plaintiff(s),

vs.

DR. ROBERT HAMPTON, et al.,

Defendant(s).

Case No. 2:06CV20 JCH

ORDER

This matter is before the Court upon its review of the record. On June 12, 2006, attorney Peter J. Dunne waived service for Defendants Gerald Jorgenson, Elizabeth Conley, and Richard Miles. (Doc. No. 12). Mr. Dunne did not waive service for Defendants Robert Hampton and Gale Bailey. (*Id.*). Therefore, on June 23, 2006, the Court requested that Plaintiff provide the Court with proper addresses for Defendants Robert Hampton and Gale Bailey. (Doc. No. 13).

On August 24, 2006, attorney Denise LeAnne Thomas entered her appearance on behalf of Defendant Gale Bailey. (Doc. No. 22). On September 19, 2006, however, the Court granted Ms. Thomas's Motion to Withdraw as counsel for Defendant Gale Bailey. The Court thus finds Plaintiff has not effected service upon Defendant Gale Bailey.

In an Order entered October 19, 2006, the Court ordered Plaintiff to show cause within fourteen days why this action should not be dismissed without prejudice as to Defendant Robert Hampton, for lack of timely service. (Doc. No. 29). On October 27, 2006, Plaintiff requested an extension of time to effect service. (Doc. No. 30). Plaintiff further requested that the Court order Mr. Dunne to respond on behalf of Defendant Hampton, or to provide information with respect to where Defendant Hampton may be served with process. (*Id.*). Mr. Dunne responded to Plaintiff's

motion on October 30, 2006, stating that he has not been retained to represent Dr. Hampton in this matter, and further that because Dr. Hampton is no longer employed by Correctional Medical Services, Inc., he has neither knowledge of Dr. Hampton's whereabouts nor authority to waive service on his behalf. (Doc. No. 32).

Upon consideration, the Court will grant Plaintiff additional time within which to effect service upon both Defendant Robert Hampton and Defendant Gale Bailey. The Court will deny Plaintiff's motion in all other respects.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for the Extension of Time of Service (Doc. No. 30) is **GRANTED** in part, and Plaintiff is granted until **Friday, December 22, 2006**, within which to effect service on Defendants Robert Hampton and Gale Bailey. Failure to do so will result in the dismissal of Plaintiff's claims against Defendants Hampton and Bailey without prejudice, for lack of timely service.

Dated this 6th day of November, 2006.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE